

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

IN THE MATTER OF THE SEARCH OF:

Case No. **MC21-00016**

Information associated with [REDACTED]  
[REDACTED] that is stored  
at premises controlled by Google LLC  
[REDACTED]

**AFFIDAVIT IN SUPPORT OF AN  
APPLICATION FOR A SEARCH  
WARRANT**

**FILED**  
Clerk  
District Court

**APR 06 2021**

for the Northern Mariana Islands  
By [Signature]  
(Deputy Clerk)

I, Frederic Jonas, being first duly sworn, do hereby state as follows:

**INTRODUCTION**

1. I am a Special Agent (SA) with U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). I have been so employed since July, 2019, and have been assigned to the HSI Saipan office in the Commonwealth of the Northern Mariana Islands (CNMI) since February, 2020. My training includes completion of the Criminal Investigator Training Program and ICE Special Agent Training Program which I received at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. I have also received extensive classroom and on-the-job training in the areas of general law enforcement, criminal investigative techniques, and criminal law including search and seizure.

2. My duties as an HSI Special Agent include investigating criminal and administrative violations of Federal laws outlined in Titles 8, 18, 19, 21 and 31 of the United States Code (U.S.C.). I have led or directly participated in criminal investigations including (but

not limited to) investigations of visa and immigration document fraud-related offenses. Investigative techniques that I have relied upon in the course of conducting my investigations include victim, witness, and suspect interviews, review of documents and records (in paper or digital format) obtained through database checks, subpoena, court order, or consent, and physical and electronic surveillance. I am the case agent in an HSI Saipan investigation into a business operating on Saipan called A & A ENTERPRISES CNMI, LLC. (hereinafter A&A ENTERPRISES).

3. I make this affidavit in support of an application for a search warrant for information associated with certain accounts that is stored at premises controlled by Google LLC, an email provider headquartered at 1600 Amphitheatre Parkway, Mountain View, California 94043. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Google LLC to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B.

4. Based on my training and experience and facts set forth in this affidavit, there is probable cause to believe personnel associated with A&A ENTERPRISES, namely Alejandro Tumando NARIO, (hereinafter "NARIO") an officer of the business, and Mylene CASUPANAN, (hereinafter "CASUPANAN") an employee of the business, committed violations of Title 18 U.S. Code § 1546, Fraud and Misuse of Visas, Title 18 U.S.C. § 1341, Mail Fraud, and Title 18 U.S.C. § 371, Conspiracy to Defraud the United States. Evidence to be searched for and seized during the search is more particularly described in the following paragraphs and in Attachment B. Because this affidavit is being submitted for the limited

1 purpose of securing a search and seizure warrant, I have not included each fact known to me  
2 concerning this investigation.

3 **ELEMENTS OF THE OFFENSES**

4 5. Title 18 U.S.C. § 1546(a) makes it a Federal crime to knowingly make a  
5 materially false statement to a U.S. immigration agency under oath or penalty of perjury on an  
6 application required by immigration laws or regulations. According to Ninth Circuit Model Jury  
7 Instruction No. 8.134, the pertinent elements of a violation of Title 18 U.S.C. § 1546(a) are as  
8 follows:

- 9 a. First, the defendant made, or subscribed as true, a false statement;  
10 b. Second, the defendant acted with knowledge that the statement was untrue;  
11 c. Third, the statement was material to the activities or decisions of the U.S.  
12 Citizenship and Immigration Services (USCIS) agency, in that it had a natural  
13 tendency to influence, or was capable of influencing, USCIS's decisions or  
14 activities;  
15 d. Fourth, the statement was made under oath or penalty of perjury; and  
16 e. Fifth, the statement was made on an application, affidavit, or other document  
17 required by immigration laws or regulations.

18 6. According to Ninth Circuit Model Jury Instruction No. 8.121, the pertinent  
19 elements of a violation of Title 18 U.S.C. § 1341 are as follows:

- 20 a. First, the defendant knowingly participated in, devised, or intended to devise a  
21 scheme or plan to defraud, or a scheme or plan for obtaining money or property  
22 by means of false or fraudulent pretenses, representations, or promises;  
23 b. Second, the statements made or facts omitted as part of the scheme were material;  
24 that is, they had a natural tendency to influence, or were capable of influencing, a  
person to part with money or property;  
c. Third, the defendant acted with the intent to defraud; that is, the intent to deceive  
or cheat; and  
d. Fourth, the defendant used, or caused to be used, the mails to carry out or attempt  
to carry out an essential part of the scheme.

- ## JURISDICTION

## SUMMARY OF INVESTIGATION

4

1 has conducted several interviews with foreign nationals that have provided information on the  
2 scheme. Furthermore, a database search of CW-1 petitions for A&A ENTERPRISES revealed  
3 that numerous petitions were submitted to USCIS for adjudication, for approximately 198 CW-1  
4 workers in FY 2019 and FY 2020.

5 10. Based on my training, experience, and prior discussions with other experienced  
6 law enforcement officials within HSI, I am aware that it is generally common practice for  
7 businesses to generate and keep records pertaining to clients, vendors, payments, banking and  
8 financial transactions, taxes, and employees. These records generally include (but are not limited  
9 to) draft and executed contracts, purchase orders, agreements, employee personnel files,  
10 invoices, payments made and received, accounts payable and receivable, accounting and payroll  
11 ledgers, transaction receipts and duplicates, business checks, and official correspondence to  
12 include electronic mail (E-mail). A&A ENTERPRISES frequently utilized E-mail for routine  
13 daily business.

14 **PROBABLE CAUSE**

15 11. During the course of this investigation, I and other HSI law enforcement officials  
16 have reviewed numerous CW-1 visa application packets submitted by A&A ENTERPRISES to  
17 USCIS. Most of the A&A ENTERPRISES petitions were signed by NARIO. The visa packets  
18 submitted by A&A ENTERPRISES included numerous documents and records in support of  
19 CW-1 visas for prospective employees of A&A ENTERPRISES. Many of these prospective  
20 employees are citizens and nationals of the Republic of the Philippines, People's Republic of  
21 Bangladesh, and the People's Republic of China.

22 12. These CW-1 visa packets included I-129 CW Petitions for CNMI-Only  
23 Nonimmigrant Transitional Worker application forms, copies of service agreements or contracts  
24

1 between A&A ENTERPRISES and several business entities in Saipan, copies of identification  
2 documents, clearances, and employment contracts between A&A ENTERPRISES and the  
3 employees being petitioned. These packets also included copies of correspondence between  
4 USCIS and A&A ENTERPRISES, copies of tax documents and bank account statements for  
5 A&A ENTERPRISES, copies of non-discrimination and worker's compensation policies, and  
6 public announcement of positions in CNMI newspapers.

7 13. On September 29, 2020, I interviewed Individual 1, a citizen of the Republic of  
8 the Philippines, at the HSI Saipan office. Individual 1 stated that while he/she resided in the  
9 Philippines he/she became aware of A&A ENTERPRISES from a friend residing in Saipan.  
10 Individual 1 stated that his/her friend paid CASUPANAN, an employee of A&A  
11 ENTERPRISES, \$660.00 United States Dollars (USD) for Individual 1's CW-1 petition. In  
12 addition, Individual 1 obtained a loan for 56,000.00 Php (Philippine Peso), approximately  
13 \$1,155.77 USD, in the Philippines to pay for a portion of the CW-1 fees he/she was charged.

14 14. After receiving an approved CW-1 visa, Individual 1 travelled to the United  
15 States on February 22, 2020, and was admitted at the Guam International Airport and later  
16 travelled to Saipan. Since arriving in Saipan, Individual 1 stated that he/she has never worked  
17 for A&A ENTERPRISES and was told there was no work available because of the COVID  
18 lockdown. A&A ENTERPRISES told Individual 1 that they would contact him/her when work  
19 would become available.

20 15. On or about March 4, 2020, Individual 1 went to A&A ENTERPRISES and paid  
21 four hundred \$400 USD to [REDACTED] (hereinafter "[REDACTED]"), the secretary at A&A  
22 ENTERPRISES, for the renewal of his/her CW-1 visa. Individual 1 also signed an A&A  
23  
24



1 ENTERPRISES employment contract, which was similar to the contract he/she previously  
2 signed in the Philippines.

3 16. Individual 1 stated that when he/she makes payments, usually [REDACTED] collects the  
4 money at A&A ENTERPRISES' office. [REDACTED] creates a receipt every time Individual 1 makes  
5 an employment fee payment, from the same receipt book, and gives a copy of the receipt to  
6 him/her. Individual 1 recalled that [REDACTED] normally keeps the receipt book on the top of her  
7 desk. The last time Individual 1 received a receipt from A&A ENTERPRISES was on June 15,  
8 2020.

9 17. Individual 1 provided your affiant with seven (7) A&A ENTERPRISES receipts  
10 for a total of \$3,089.26 USD made at various times from November 12, 2019, to June 15, 2020,  
11 for the CW-1 processing fee and payments. It was noted that all receipts were handwritten on a  
12 serialized custom receipt believed to have originated from a tear-off receipt book.

13 18. On September 29, 2020, I interviewed Individual 2, a citizen of the Republic of  
14 the Philippines, at the HSI office. Individual 2 stated that on February 22, 2020, he/she arrived  
15 at Guam and subsequently travelled to Saipan. Individual 2 was admitted to the United States  
16 utilizing a CW-1 visa, which was petitioned by A&A ENTERPRISES. Since arriving in Saipan,  
17 Individual 2 was told by A&A ENTERPRISES that they would contact him/her when work  
18 would be available.

19 19. During March 2020, Individual 2 worked at a gas station for sixteen (16) hours at  
20 a rate of seven dollars and thirty-five cents (\$7.35) per hour. This job was arranged by A&A  
21 ENTERPRISES and he/she was paid in cash by CASUPANAN. Aside from this brief  
22 employment, Individual 2 has not been provided with regular work from A&A ENTERPRISES.  
23  
24

20. According to Individual 2, he/she borrowed money from a relative to pay \$2,000 USD to A&A ENTERPRISES for the CW-1 visa. Individual 2 stated that his/her relative resided in Saipan and paid \$2,000 USD to A&A ENTERPRISES.

21. According to Individual 2, CASUPANAN told him/her that he/she must pay taxes for the seventy (70) hours of “work” at A&A ENTERPRISES and if he/she doesn’t, they would cancel his/her CW-1 visa. Therefore, Individual 2 pays CASUPANAN at A&A ENTERPRISES \$194 USD every two (2) weeks for taxes, even though he/she is not earning any wages. Individual 2 stated that CASUPANAN provides him/her with a receipt for each payment.

22. Individual 2 stated that [REDACTED] is CASUPANAN’s assistant at A&A ENTERPRISES and NARIO is the owner of A&A ENTERPRISES, which is located in Gualo Rai village on the Island of Saipan. Based on his/her interactions with [REDACTED] and NARIO, Individual 2 believes that they are aware of the taxes that he/she is paying to CASUPANAN.

23. During the interview, Individual 2 provided two (2) A&A ENTERPRISES receipts for a total of \$1,074.16 USD. The two (2) receipts were dated June 1, 2020, and June 15, 2020, for CW-1 processing fee payments. Both receipts were handwritten on a serialized custom receipt and is believed to have originated from a tear-off receipt book.

24. Additionally, Individual 2 provided your affiant with twelve (12) A&A ENTERPRISES service receipts that appear to have been generated and printed on a computer using word processing software, with receipt numbers, date, customer name, job description, name of worker, pay period, hours, rate earned, and total amount for the months of June 2020 and September 2020.

25. On October 22, 2020, at the direction of HSI, Individual 1 and Individual 2 met with the staff at A&A ENTERPRISES for the purpose of obtaining information about the “taxes”



1 being paid to A&A ENTERPRISES. Individual 1 and Individual 2's conversation was  
2 monitored and recorded during this meeting at A&A ENTERPRISES' office. At the conclusion  
3 of the meeting, Individual 1 and Individual 2 were separately interviewed by HSI personnel.

4 26. According to Individual 1, NARIO and CASUPANAN were present in the office  
5 when he/she asked about the consultation letter he/she received from A&A ENTERPRISES.  
6 NARIO told Individual 1 that he/she has not been paying the employment fee. NARIO told  
7 Individual 1 that if he/she does not pay the employment fee, i.e. taxes, then they will cancel  
8 his/her CW-1 visa. However, if Individual 1 continues to pay his/her employment fee, A&A  
9 ENTERPRISES will not cancel his/her CW-1 visa.

10 27. CASUPANAN told Individual 1 that the employment fee was \$194 USD and  
11 must be paid every two weeks. CASUPANAN explained that the employment fee of \$194 USD  
12 is the payment for the taxes, rental, and the salary of the employees at A&A ENTERPRISES.  
13 NARIO and CASUPANAN explained to Individual 1 it was not their responsibility to find  
14 him/her work because it was his/her friend and Individual 2's relative that asked A&A  
15 ENTERPRISES for help with obtaining CW-1 visas for them. Therefore, they petitioned for  
16 Individual 1 and Individual 2's CW-1 visas and that A&A ENTERPRISES is not responsible for  
17 finding work for them.

18 28. During a separate interview, Individual 2 informed your affiant that NARIO and  
19 CASUPANAN were present when they entered A&A ENTERPRISES. Individual 2 stated that  
20 CASUPANAN opened the front door and he/she observed computers and file cabinets at A&A  
21 ENTERPRISES' office.

22 29. On October 26, 2020, HSI Special Agent (SA) Michael Lansangan reviewed the  
23 recordings between Individual 1, Individual 2, NARIO and CASUPANAN. In summary, SA  
24

1 Lansangan noted that it contained discussions referencing past arrangements between Individual  
2 2's relative and A&A ENTERPRISES to bring Individual 2 to Saipan. The conversation  
3 between Individual 1, Individual 2, NARIO and CASUPANAN refers to an agreement with  
4 Individual 1's friend, which Individual 1 is now attempting to change. NARIO told Individual 1  
5 the reason A&A ENTERPRISES processed the CW-1 petition was because the friend had  
6 requested that A&A ENTERPRISES do it for him/her and they had no reason to hire Individual  
7 1 if the friend did not request it. NARIO told Individual 1 because the friend had asked them to  
8 bring him/her to Saipan then the friend should find him/her work.

9 30. During their conversation, they told Individual 1 that A&A ENTERPRISES has  
10 given Individual 1 and Individual 2 many opportunities to find work since their arrival and that  
11 A&A ENTERPRISES cannot help because they will get caught. NARIO told Individual 1 that  
12 he/she is to find his/her own way to earn his/her contribution to the agency, i.e. A&A  
13 ENTERPRISES. Furthermore, NARIO told Individual 1 that "it is not just you, there are many  
14 others who already entered that are in the same situation, but they fulfill their obligation."  
15 NARIO told them, if Individual 1 and Individual 2 do not have work, A&A ENTERPRISES will  
16 cancel their CW-1.

17 31. On February 8, 2021, your affiant reviewed the CW-1 petition that was submitted  
18 by A&A ENTERPRISES for Individual 1 and Individual 2, Receipt Number: WAC2004250603,  
19 which appeared to be signed by NARIO and listed the company's email as

20 [REDACTED] The petition was approved on December 13, 2019, by USCIS  
21 for the period of December 13, 2019, to September 30, 2020, and listed the U.S. Consulate as  
22 Manila. The petition contained two (2) employment contracts for Individual 1 and Individual 2  
23 to be employed by A&A ENTERPRISES, in the job classification of "maid and housekeeping"  
24

1 from the period of November 20, 2019, until September 30, 2020, for a total of thirty-five (35)  
2 hours per week.

3 32. The petition also contained two (2) service contract agreements with A&A  
4 ENTERPRISES and Individual 3; A&A ENTERPRISES and Individual 4 to employ Individual 1  
5 and Individual 2, respectively. The service contract agreement was for Individual 3 and  
6 Individual 4 to employ Individual 1 and Individual 2 from A&A ENTERPRISES in the job  
7 classification of “maid and housekeeping” from period of November 20, 2019, until September  
8 30, 2020, for a total of thirty-five (35) hours per week. Both service contract agreements were  
9 signed by Individual 3, Individual 4 and NARIO.

10 33. On November 18, 2020, the friend of Individual 1, a citizen of the Republic of the  
11 Philippines, was interviewed by your affiant at the HSI office. During the interview, the friend  
12 stated that he/she asked CAPSUPANAN for help with obtaining a CW-1 visa for Individual 1. It  
13 was agreed that the friend would pay for all expenses and fees, he/she therefore paid about  
14 \$2,200 to \$2,300 USD in cash installments for Individual 1’s CW-1. The friend was told by  
15 CAPSUPANAN to find someone that can pose as a second party employer for Individual 1. The  
16 friend stated that Individual 4, his/her friend, might be willing to sign and CAPSUPANAN  
17 provided him/her with the service contract.

18 34. The friend took the service contract to Individual 4. At first Individual 4 did not  
19 want to sign the document but agreed after he/she spoke with someone from A&A  
20 ENTERPRISES. The friend told Individual 4 that the service contract was only going to be used  
21 to file for the CW-1 and that the employee-employer relationship would not be real. After he/she  
22 signed the contract, the friend took it to CAPSUPANAN at A&A ENTERPRISES.

1           35.     On December 1, 2020, your affiant interviewed Individual 4, a citizen of the  
2 Republic of the Philippines, at the HSI office. During the interview, Individual 4 was presented  
3 with a service contract between A&A ENTERPRISES and Individual 4. After reviewing the  
4 document, Individual 4 stated the signature was his/hers and that he/she had received this  
5 document from the relative, his/her friend, and signed it as a favor. Individual 4 stated that  
6 he/she has never employed Individual 1 and that he/she does not know NARIO or the company  
7 A&A ENTERPRISES.

8           36.     The E-mail address used by NARIO and CASUPANAN to facilitate routine  
9 communication for A&A ENTERPRISES: [REDACTED]

10                               **BACKGROUND CONCERNING E-MAIL**

11           37.     In my training and experience, I have learned that Google LLC provides a variety  
12 of on-line services, including electronic mail (“email”) access, to the public. Google LLC allows  
13 subscribers to obtain email accounts at the domain name gmail.com, like the email accounts  
14 listed in Attachment A. Subscribers obtain an account by registering with Google LLC. During  
15 the registration process, Google LLC asks subscribers to provide basic personal information.  
16 Therefore, the computers of Google LLC are likely to contain stored electronic communications  
17 (including retrieved and unretrieved email for Google LLC subscribers) and information  
18 concerning subscribers and their use of Google LLC services, such as account access  
19 information, email transaction information, and account application information. In my training  
20 and experience, such information may constitute evidence of the crimes under investigation  
21 because the information can be used to identify the account’s user or users.

22           38.     In general, an email that is sent to a Google LLC subscriber is stored in the  
23 subscriber’s “mailbox” on Google LLC servers until the subscriber deletes the email. If the  
24

1 subscriber does not delete the message, the message can remain on Google LLC servers  
2 indefinitely. Even if the subscriber deletes the email, it may continue to be available on Google  
3 LLC's servers for a certain period.

4 **SEARCH PROCEDURE**

5 39. Upon receipt of the information described in Section I of Attachment B,  
6 government-authorized persons who do not have a role in the investigation will review that  
7 information to locate the items described in Section II of Attachment B. Once the Government  
8 seizes the items set forth in Section II of Attachment B, the information provided by Google  
9 LLC will be sealed and retained for authenticity and chain of custody purposes and data falling  
10 outside the scope of the items to be seized under Section II of Attachment B will not be accessed  
11 absent further order of the Court.

12 **CONCLUSION**

13 40. Based on the forgoing, I request the Court issue the proposed search warrant.  
14 Because the warrant will be served on Google LLC, who will then compile the requested records  
15 at a time convenient to it, reasonable cause exists to permit the execution of the requested  
16 warrant at any time in the day or night. Pursuant to 18 U.S.C. § 2703(g), the presence of a law  
17 enforcement officer is not required for the service or execution of this warrant. I have shown this  
18 affidavit and the accompanying search warrant application to Assistant United States Attorney  
19 Albert S. Flores, Jr., and he informs me that they are in proper form.

20 //

21 //

22 //

23 //

Respectfully submitted,



Frederic Jonas, Special Agent  
Homeland Security Investigations

Subscribed and sworn to before me on April 6<sup>th</sup>, 2021.



RAMONA V. MANGLONA  
Chief Judge



**ATTACHMENT A**

**Property to Be Searched**

This warrant applies to information associated with [REDACTED] that is stored at premises owned, maintained, controlled, or operated by Google LLC, a company headquartered at 1600 Amphitheatre Parkway, Mountain View, California 94043.

**ATTACHMENT B**

**Particular Things to be Seized**

**I. Information to be disclosed by Google LLC**

To the extent that the information described in Attachment A is within the possession, custody, or control of Google LLC, regardless of whether such information is located within or outside of the United States, and including any emails, records, files, logs, or information that has been deleted but is still available to Google LLC, Google LLC is required to disclose the following information to the government for each account or identifier listed in Attachment A:

a. The contents of all emails associated with the account beginning January 1, 2018, through April 5, 2021, including stored or preserved copies of emails sent to and from the account, draft emails, the source and destination addresses associated with each email, the date and time at which each email was sent, and the size and length of each email;

b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address(es) used to register the account, log-in IP addresses associated with session times and dates, account status, alternative email addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);

c. The types of service utilized;

d. All records or other information stored by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files; and

e. All records pertaining to communications between the Provider and any person regarding the account, including contacts with support services and records of actions taken.

The Provider is hereby ordered to disclose the above information to the government within fourteen (14) days of service of this warrant.

**II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities relating to violations of 18 U.S.C § 1546 Fraud and Misuse of Visas, 18 U.S.C. § 1341, Mail Fraud, and 18 U.S.C. § 371 Conspiracy to Defraud the United States, specifically those violations occurring on or after January 1, 2018, and involving [REDACTED], Mylene CASUPANAN, Alejandro Tumando NARJO, and [REDACTED], other past or present employee or officer of A & A ENTERPRISE CNMI, LLC. or any other business operating under A & A ENTERPRISE CNMI, LLC., including, but not limited to:

- a. Any and all communications or messages relating to immigration and employment of foreign workers, including I-129CW petitions and all supporting documents or information submitted by A&A ENTERPRISES on behalf of CW-1 beneficiaries;
- b. Evidence indicating how and when the email account was accessed or used, to determine the geographic and chronological context of account access, use, and events relating to the crimes under investigation and to the email account owner; and
- c. Evidence indicating the identity of the person(s) who created or used the user ID.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS RECORDS**  
**PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, \_\_\_\_\_, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by **Google LLC**, and my official title is \_\_\_\_\_. I am a custodian of records for **Google LLC**. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of **Google LLC**, and that I am the custodian of the attached records consisting of \_\_\_\_\_ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of **Google LLC**; and
- c. such records were made by **Google LLC** as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature